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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,419	04/30/2001	Aaron M. Shapiro	08036.0015	2884
22852	7590	12/22/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/845,419	SHAPIRO ET AL.	
	Examiner	Art Unit	
	Douglas B Blair	2142	

-- The MAILING DATE of this communication app ars on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 April 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-61 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-61 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received..

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/11/2001</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 28-60 are objected to because of the following informalities: numerous dependent claims appear to be depending on the wrong claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-61 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,044,062 to Brownrigg et al..

4. As to claim 1, Brownrigg teaches a method of dynamically routing data within a network, comprising the steps of: receiving the data and an associated destination list at a transmitting node in the network (col. 13, lines 28-65); identifying a destination for the data from the destination list (col. 14, lines 23-64); referencing a dynamic routing table for routing information for the destination (col. 14, lines 23-64); determining an efficient method of transmitting the data based on the routing information, and transmitting the data to a neighbor node based on the determination of the method (col. 14, lines 23-64).

5. As to claim 2, Brownrigg teaches the method of claim 1, wherein the step of identifying a destination further comprises reading a destination address from the destination list (col. 13, lines 28-65).

6. As to claim 3, Brownrigg teaches the method of claim 2, wherein the step of reading a destination address from the destination list further comprises removing the destination address from the destination list (col. 14, lines 5-22).

7. As to claim 4, Brownrigg teaches the method of claim 1, wherein the step of referencing a dynamic routing table further comprises looking up a possible route in the dynamic routing table (col. 14, lines 23-64).

8. As to claim 5, Brownrigg teaches the method of claim 4, wherein the step of looking up the possible route in the dynamic routing table further comprises reading a value associated with a number of hops for the possible route (col. 9, lines 50-67).

9. As to claim 6, Brownrigg teaches the method of claim 4, wherein the step of looking up the possible route in the dynamic routing table further comprises reading a value associated with the goodness factor for the possible route (col. 9, lines 50-67).

10. As to claim 7, Brownrigg teaches the method of claim 5, wherein the step of determining the most efficient method of transmitting the data further comprises performing a calculation on the routing information (col. 9, lines 50-67).

11. As to claim 8, Brownrigg teaches the method of claim 7, wherein the step of performing the calculation on the routing information further comprises choosing a route based on the calculation (col. 14, lines 23-64).

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12. As to claim 9, Brownrigg teaches the method of claim 1, wherein the step of transmitting the data further comprises the step of appending path field information to the destination list associated with the data (col. 14, lines 23-64).

13. As to claim 10, Brownrigg teaches the method of claim 9, wherein the step of appending path field information to the data further comprises appending the address of the transmitting node and the goodness factor of the neighbor node to the destination list associated with the data (col. 9, lines 50-67).

14. As to claim 11, Brownrigg teaches the method of claim 1, further comprising the step of updating the dynamic routing table based on path field information of the destination list associated with the data (col. 14, lines 23-64).

15. As to claim 12, Brownrigg teaches the method of claim 1 further comprising the step of repeating the identifying, referencing, determining, and transmitting steps for each destination with the destination list (col. 14, lines 23-64).

16. As to claim 13, Brownrigg teaches the method of claim 1, wherein the transmitting step further comprises appending a new destination list to the data prior to transmittal (col. 14, lines 23-64).

17. As to claims 15-40, they feature similar limitations to claims 1-13 and are rejected for the same reasons as claims 1-13.

18. As to claim 41, Brownrigg teaches a method of dynamically updating routing information within a node of a network, comprising the steps of: determining the quality of a route from the node to a neighbor node as a quality factor (col. 9, lines 50-67); updating a dynamic routing table in the node with the quality factor for the connection to the neighbor node (col. 9, lines 50-67);

transmitting the quality factor for the route to at least one other node in the network (col. 9, lines 50-67).

19. As to claim 42, Brownrigg teaches the method of claim 40, wherein the quality factor of the route is a goodness factor (col. 9, lines 50-67).

20. As to claim 43, Brownrigg teaches the method of claim 40, wherein the step of transmitting the quality factor further comprises the steps of: associating the quality factor with the route (col. 9, lines 50-67); and transmitting the quality factor and route with data to at least one other node in the network (col. 9, lines 50-67).

21. As to claim 44, Brownrigg teaches the method of claim 42, wherein the quality factor is the goodness factor (col. 9, lines 50-67).

22. As to claim 45, Brownrigg teaches the method of claim 42, wherein the step of transmitting the quality factor route further comprises the step of: appending the quality factor and route to a path field of a destination list associated with the data (col. 14, lines 23-64).

23. As to claim 46, Brownrigg teaches the method of claim 42, wherein the step of transmitting the quality factor and route is further comprised of transmitting the quality factor and route to the neighbor node (col. 9, lines 50-67)

24. As to claim 47, Brownrigg teaches the method of claim 40, further comprising the steps of: receiving a second quality factor for a second route from a second node in the network, dating the dynamic routing table in the node with the second quality factor for the second route (col. 14, lines 23-64).

25. As to claims 48-60, they feature similar limitations to claims 41-47 and are rejected for the same reasons as claims 41-47.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB


JASON CARPONA
Primary Examiner
Art Unit 2145